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# HOUSE BILL No. 1062

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-12; IC 22-13-2-10; IC 22-15.

**Synopsis:** Fire prevention and building safety fees. Allows the fire prevention and building safety commission to adopt rules to establish fees for the issuance of various permits and licenses relating to regulated lifting devices and regulated boiler and pressure vessels. Repeals statutes that set the fees relating to: (1) permitting and inspection of regulated lifting devices; (2) permitting of an owner or user for inspections of regulated boilers and pressure vessels; (3) inspection of a regulated boiler or pressure vessel for the issuance of a permit; (4) manufacturers using the inspection services of the office of the state building commissioner; (5) a regulated boiler and pressure vessel inspector license; and (6) an owner or user boiler and pressure vessel inspection agency license.

**Effective:** July 1, 2002; April 1, 2003.

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January 8, 2002, read first time and referred to Committee on Ways and Means.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1062

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense, and military affairs.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 22-12-6-6 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission  
3 may adopt rules under IC 4-22-2 setting a fee schedule for the  
4 following:

- 5 (1) Fireworks display permits issued under IC 22-11-14-2.
- 6 (2) Explosives magazine permits issued under IC 22-14-4.
- 7 (3) Design releases issued under IC 22-15-3.
- 8 (4) Certification of industrialized building systems and mobile  
9 structures under IC 22-15-4.
- 10 (5) Inspection of regulated amusement devices under IC 22-15-7.
- 11 (6) Application fees for variance requests under IC 22-13-2-11  
12 and inspection fees for exemptions under IC 22-13-4-5.
- 13 **(7) Permitting and inspection of regulated lifting devices**  
14 **under IC 22-15-5.**
- 15 **(8) Permitting and inspection of regulated boiler and pressure**  
16 **vessels under IC 22-15-6.**
- 17 **(9) Licensing of:**

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(A) boiler and pressure vessel inspectors under IC 22-15-6-5; and

(B) an owner or user boiler and pressure vessel inspection agency under IC 22-15-6-6.

(b) Fee schedules set under this section must be sufficient to pay all of the costs, direct and indirect, that are payable from the fund into which the fee must be deposited, after deducting other money deposited in the fund. In setting these fee schedules, the commission may consider differences in the degree or complexity of the activity being performed for each fee.

(c) The fee schedule set for design releases issued under subsection (a)(3) may not be changed more than one (1) time each year. The commission may include in this fee schedule a fee for the review of plans and specifications and, if a political subdivision does not have a program to periodically inspect the construction covered by the design release, a fee for inspecting the construction.

(d) The fee schedule set under subsection (a) for design releases may provide that a portion of the fees collected shall be deposited in the statewide fire and building safety education fund established under section 3 of this chapter.

SECTION 2. IC 22-13-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 10. (a) A county, city, or town may regulate regulated lifting devices if the unit's regulatory program is approved by the commission.

(b) A unit must submit its ordinances and other regulations that regulate lifting devices to the commission for approval. The ordinance or other regulation is not effective until it is approved by the commission. If any of these ordinances or regulations conflict with the commission's rules, the commission's rules supersede the local ordinance or other regulation.

(c) A unit may issue permits only to applicants who qualify under IC 22-15-5. However, the unit may specify a lesser fee than that set in ~~IC 22-12-6-9~~ under IC 22-12-6-6(a)(7).

(d) A unit must inspect regulated lifting devices with inspectors who possess the qualifications necessary to be employed by the office of the state building commissioner as a regulated lifting device inspector.

SECTION 3. IC 22-15-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 1. (a) The office shall issue a regulated lifting device installation or alteration permit to an applicant who qualifies under this section.

(b) To qualify for a permit under this section, an applicant must:

(1) demonstrate through the submission of complete plans that the

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1 installation or alteration covered by the application will comply  
2 with all applicable equipment laws; and

3 (2) pay the fee set under ~~IC 22-12-6-9~~ **IC 22-12-6-6(a)(7)**.

4 (c) The responsibilities of the office under this section may be  
5 carried out by a political subdivision that is approved by the  
6 commission under IC 22-13-2-10.

7 SECTION 4. IC 22-15-5-4 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 4. (a) The office shall  
9 carry out a program for the periodic inspection of regulated lifting  
10 devices being operated in Indiana. The office shall issue a regulated  
11 lifting device operating permit to an applicant who qualifies under this  
12 section.

13 (b) A permit issued under this section expires on the date set in the  
14 rules adopted by the commission.

15 (c) To qualify for a permit under this section an applicant must:

16 (1) demonstrate through an inspection that the regulated lifting  
17 device covered by the application complies with the laws  
18 governing its construction, repair, maintenance, and operation;  
19 and

20 (2) pay the fee set under ~~IC 22-12-6-9~~ **IC 22-12-6-6(a)(7)**.

21 (d) The office may issue a temporary operating permit to an  
22 applicant under this section who does not comply with subsection  
23 (c)(1). The applicant must pay the fee set under ~~IC 22-12-6-9~~  
24 **IC 22-12-6-6(a)(7)** to qualify for the temporary operating permit.  
25 Except as provided in subsection (e), the permit, including all renewal  
26 periods, is limited to sixty (60) days.

27 (e) The state building commissioner may renew a temporary  
28 operating permit issued under subsection (d) for thirty (30) day periods  
29 during the construction of a building if the regulated lifting device is  
30 used for the transportation of construction personnel, tools, and  
31 materials.

32 (f) The responsibilities of the office under this section may be  
33 carried out by a political subdivision that is approved by the  
34 commission under IC 22-13-2-10.

35 SECTION 5. IC 22-15-6-2 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 2. (a) The office shall  
37 conduct a program of periodic inspections of regulated boilers and  
38 pressure vessels. The office or a boiler and pressure vessel inspector  
39 acting under section 4 of this chapter shall issue a regulated boiler and  
40 pressure vessel operating permit to an applicant who qualifies under  
41 this section.

42 (b) Except as provided in subsection (d), a permit issued under this

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section expires one (1) year after it is issued. The permit terminates if it was issued by an insurance company acting under section 4 of this chapter and the applicant ceases to insure the boiler or pressure vessel covered by the permit against loss by explosion with an insurance company authorized to do business in Indiana.

(c) To qualify for a permit under this section, an applicant must:

(1) demonstrate through an inspection that the regulated boiler or pressure vessel covered by the application complies with the rules adopted by the rules board; and

(2) pay the fee set under ~~IC 22-12-6-10~~ and ~~IC 22-12-6-11~~.

**IC 22-12-6-6(a)(8).**

(d) The rules board may, by rule adopted under IC 4-22-2, specify a period between inspections of more than one (1) year. However, the rules board may not set an inspection period of greater than five (5) years for regulated pressure vessels or steam generating equipment that is an integral part of a continuous processing unit.

(e) The office may inspect a device listed under IC 22-12-1-20(b) if the owner or operator of the device requests that the office make an inspection.

SECTION 6. IC 22-15-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 5. (a) The office shall issue a boiler and pressure vessel inspector license to an applicant who qualifies under this section.

(b) To qualify for a license under this section an applicant must:

(1) meet the qualifications set by the rules board in its rules;

(2) pass an examination approved by the rules board and conducted, supervised, and graded as prescribed by the rules board; and

(3) pay the fee set under ~~IC 22-12-6-13~~. **IC 22-15-6-6(a)(9).**

(c) The rules board may exempt an applicant from any part of the examination required by subsection (b) if the applicant has:

(1) a boiler and pressure vessel inspector's license issued by another state with qualifications substantially equal to the qualifications for a license under this section; or

(2) a commission as a boiler and pressure vessel inspector issued by the National Board of Boiler and Pressure Vessel Inspectors.

SECTION 7. IC 22-15-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2003]: Sec. 6. (a) The office shall issue a license to act as an owner or user boiler and pressure vessel inspection agency who qualifies under this section.

(b) A license issued under this section expires if the bond required by subsection (c)(3) becomes invalid.

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- 1 (c) To qualify for a license under this section an applicant must:  
2 (1) submit the name and address of the applicant;  
3 (2) submit proof that inspections will be supervised by one (1) or  
4 more professional engineers licensed under IC 25-31 and  
5 regularly employed by the applicant;  
6 (3) provide a surety bond issued by a surety qualified to do  
7 business in Indiana for five thousand dollars (\$5,000), made  
8 payable to the office and conditioned upon compliance with the  
9 equipment laws applicable to inspections and the true accounting  
10 for all funds due to the office; and  
11 (4) pay the fee set under ~~IC 22-12-6-14~~ **IC 22-12-6-6(a)(9)**.  
12 (d) A licensee under this section shall maintain with the office the  
13 most current name and address of the licensee and the name of the  
14 professional engineer supervising the licensee's inspections and notify  
15 the office of any changes within thirty (30) days after the change  
16 occurs. An inspection agency that violates this subsection is subject to  
17 a disciplinary action under IC 22-12-7.  
18 SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE  
19 APRIL 1, 2003]: IC 22-12-6-9; IC 22-12-6-10; IC 22-12-6-11;  
20 IC 22-12-6-12; IC 22-12-6-13; IC 22-12-6-14.

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